

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

DOCKET FILE COPY ORIGINAL

In the Matter of:)

Amendment of Section 73.202(b),)
The Table of Allotments, FM)
Broadcast Stations. Indio, CA)

To: The Commission)

MM Docket No.
RM -

PETITION FOR RULE MAKING

1. Elia Tawil, d/b/a Festival City Educational Broadcasters, referred to herein as PETITIONER, respectfully petitions the Commission to amend Section 73.202(b) of the Commission's Rules (The Table of FM Allotments) to add Channel 238A as a 4th FM assignment and to RESERVE the channel for non-commercial use. As illustrated in Attachment 1 to this Petition, Channel 238A can be assigned to Indio, California in full compliance with all spacing requirements set forth in Section 73.207 of the Commission's Rules.

Indio, California

Present

207B1*
224A
272A

As Proposed

207B1*
224A
238A*
272A

* Reserved for educational use.

OHF

2. The spacing study for Channel 238A at Indio, California was based on the following geographic coordinates:

33 degrees 43' 43" North Latitude
116 degrees 12' 57" West Longitude

The reference coordinates describe a site in the City of Indio which is controlled by the PETITIONER. A Class FM station operating from this site can service all of the City of Indio, California with a 70 dbu city grade contour.

3. The City of Indio is the largest community in the Coachella Valley. Attachment 2 to this petition gives demographic information for the city. A community of this size is deserving of its second non-commercial assignment.

4. Because Indio is located in the Mexican Border area, non-commercial allocations with respect to Mexico are made based on a table of distances rather than on a non-interference basis. This procedure severely restricts the number of educational allocations available in the area since each non-commercial facility is assumed to operate at maximum facilities for its

class, something which rarely happens in the educational portion of the FM band. Consequently, as illustrated in the following paragraph, none of the reserved channels can be allocated to Indio without a waiver of the provisions of Section 73.504 of the Rules.

5. If a second non-commercial assignment is to be made to Indio, it must be on the basis of a special educational reservation imposed on a commercial channel. As noted below, none of the lower 20 FM channels can be assigned to Indio in accordance with the spacing rules.

<u>Channel(s)</u>	<u>Precluded by</u>	<u>Distance in km.</u>	
		<u>Required</u>	<u>Actual</u>
201 - 203	KPSC Palm Springs, 203A	*	15.8
204 - 210	KCRY Indio, CA, 207B1	*	8.1
211 - 212	XHITZ-FM Tijuana, MEX	170 **	157.7
213 - 215	XHMOE -FM Mexicali, MEX 214C	170 **	140.1
216 - 217	XETRA-FM Tijuana, MEX 216C	170 **	153.8
218 - 220	KHCS Palm Desert, CA 219A	*	25.2

* Interference limited.

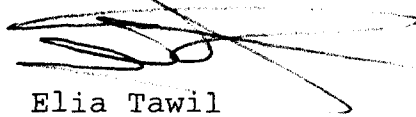
** Separation based on a "best case" 1st adjacent spacing requirement. Co-channel spacing is 210 km.

6. Petitioner is in the process of forming a non-profit educational corporation and represents that the corporation will, if the channel is assigned as requested, promptly apply to activate the frequency so

as to provide a second badly needed educational
broadcast service at Indio, California.

7. The undersigned Petitioner states under the penalty
of perjury that the information contained in this
petition is true and accurate to the best of his
knowledge and belief.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'Elia Tawil', is written over the typed name and address.

Elia Tawil
1034 West Arrow Highway
Suite D105
San Dimas, California 91773

(909) 592-1459

Attachment One
FM Spacing study

Title: Channel 238A
Channel 238A (95.5 MHz)
Database: FCC 10/02/97

Latitude: 33-43-43
Longitude: 116-12-57
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KBZT	LIC	San Diego Broadcasting C	235B	22	32-50-21	224.4	137.8	69
San Diego	CA	BLH-850702KF	94.9	214	117-14-57	43.9	68.83	CLEAR
KFRG	LIC	Amaturo Group, Ltd.	236B	50	34-11-51	298.1	111.8	69
San Bernardino	CA	BLH-900808KB	95.1	149BT	117-17-10	117.5	42.76	CLEAR
ALLOC			237B		32-32-05	197.0	138.4	105
Tecate	BJ		95.3		116-38-58	16.8	33.45	CLEAR
ALLOC			238B		34-13-37	288.5	179.7	178
Los Angeles	CA		95.5		118-03-58	107.5	1.697	CLOSE
KLOS	LIC	American Broadcasting Co	238B	63	34-13-37	288.5	179.7	178
Los Angeles	CA	BLH-840702CP	95.5	954BT	118-03-58	107.5	1.697	CLOSE
KLOS	LIC	American Broadcasting Co	238B	72	34-13-36	288.5	179.7	178
Los Angeles	CA	BMLH-850523KJ	95.5	890BT	118-03-59	107.5	1.714	CLOSE
KLOS	LIC	American Broadcasting Co	238B	72	34-13-36	288.5	179.7	178
Los Angeles	CA	BMLH-850523KH	95.5	890BT	118-03-59	107.5	1.714	CLOSE
K239AD	CP	The Association for Comm	239FT	.010DA	33-48-08	354.6	8.201	72
Indio	CA	BPFT-970106TG	95.7		116-13-27	174.6	-63.8	SHORT
DA: Scala FMV @ 180 deg								
ALLOC			239B		32-53-54	224.4	128.6	113
Carlsbad	CA		95.7		117-10-45	43.9	15.56	CLOSE
KMCG	LIC	Tri-Cities Broadcasting,	239B	29DA	32-50-24	224.4	137.7	113
Carlsbad	CA	BLH-970205KF	95.7	195	117-14-52	43.9	24.67	CLEAR
DA: oddball ODD960516ID @ 0 deg								
NEW-T	APC	The Association for Comm	240FT	.010DA	33-52-03	307.7	25.32	31
Palm Springs	CA	BPFT-970106TF	95.9		116-25-58	127.6	-5.68	SHORT
Cut-off 06/06/97; DA: Scala FMV @ 250 deg								
KEYZ-1	CP	Anaheim Radio Associates	240FB	.028DA	33-36-21	265.2	148.4	
Laguna Hills	CA	BPFTB-950906T	95.9	285	117-48-33	84.3		
DA: Scala CA5-150EBH @ 80 deg								
KWRP	LIC	H.S.C. Radio, Inc.	241A	.25DA	33-49-45	279.5	69.17	31
San Jacinto	CA	BLH-940927KD	96.1	477	116-57-10	99.1	38.17	CLEAR
DA: oddball ODD920612II @ 0 deg								
KPLM	CP	RM Broadcasting, LLC	291B	50	33-52-14	356.1	15.78	15
Palm Springs	CA	BPH-961031IF	106.1	121	116-13-39	176.1	.780	CLOSE

FM Spacing study

Title: Channel 238A
Channel 238A (95.5 MHz)

Latitude: 33-43-43
Longitude: 116-12-57

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KPLM	LIC	RTC Broadcasting Corpora	291B	50	33-52-14	356.1	15.78	15
Palm Springs	CA	BLH-830419AL	106.1	119	116-13-39	176.1	.780	CLOSE
ALLOC			291B		33-52-14	356.1	15.78	15
Palm Springs	CA		106.1		116-13-39	176.1	.780	CLOSE
K292ET	CP	Calvary Chapel of Temecu	292FT	.010DA	33-28-51	253.2	93.86	10
Temecula	CA	BMPFT-951128T	106.3	253	117-10-58	72.6	83.86	CLEAR

DA: oddball ODD951128TA @ 0 deg

>> End of channel 238A study <<

COMMUNITY ECONOMIC PROFILE

for

INDIO

RIVERSIDE COUNTY, CALIFORNIA

Prepared in Conjunction with the City of Indio and the Indio Chamber of Commerce

Location

Indio, incorporated May 16, 1930, is located 130 miles east of Los Angeles and 529 miles south of San Francisco.

Economic Growth and Trends

	1970	1980	1990	1996
Population-County	456,914	663,166	1,170,413	1,381,879 ¹
Taxable Sales-County	\$828,578	\$3,274,017	\$9,522,631	\$10,320,618 ²
Population-City	14,459	21,611	36,003	42,091 ¹
Taxable Sales-City	\$61,476	\$217,509	\$362,836	\$291,149 ²
Housing Units-City	4,160	6,851	11,387	11,992 ¹
Median Household Income-City	\$9,615	\$15,237	\$25,976	\$31,929 ³
School Enrollment K-12	3,459	9,414	16,031	19,661 ⁴

1. State Department of Finance, January 1, 1996. Housing count reflects occupied dwellings. 2. State Board of Equalization, calendar year 1995. Add 000. 3. Inland Empire Economic Databank and Forecasting Center, University of California, Riverside, 1996. Estimate is for 1995. 4. Riverside County Office of Education, 1995. The 1970 figure is for K-6.

Climate

AVERAGE TEMPERATURE				RAIN	HUMIDITY		
Period	Min.	Mean	Max.	Inches	4 A.M.	Noon	4 P.M.
January	37.8	54.1	70.4	0.50	57	32	32
April	57.0	72.3	87.5	0.10	55	22	19
July	76.9	92.1	107.2	0.12	60	28	25
October	58.7	75.5	92.2	0.23	58	27	28
Year	57.2	73.1	89.0	3.38	58	27	26

Transportation

RAIL: Main line of Union Pacific Southern Pacific, 1 local freight daily. Amtrak passenger rail service.

TRUCK: 2 carriers for direct daily service to Los Angeles.

OVERNIGHT DELIVERY TO: Los Angeles, San Francisco, San Diego, Phoenix, Mexicali.

AIR: Palm Springs Regional Airport, 20 mi. northwest, is served by Alaska, American, American Eagle, America West, Skywest, United, Reno Air, Northwest, United Express, USAir Express; general facilities, 8,500 ft runway. The Bermuda Dunes Airport, a private general aviation facility, is located in adjacent Bermuda Dunes. County-owned Thermal Airport, 7 mi. southeast, has general aviation facilities, 5,000 ft. runway.

BUS: Greyhound; the SunLine Transit Agency provides local bus service throughout the Coachella Valley.

PORTS: Nearest ports at Los Angeles-Long Beach, 133 mi. west. and San Diego, 130 mi. southwest.

HIGHWAYS: I-10 west to Los Angeles and east to Phoenix, and Calif. 111 northwest-southwest. Calif. 86 (NAFTA highway) south to Brawley and El Centro in Imperial County; Yuma, Arizona; and Mexicali and Mexico City, Mexico.

Industrial Sites

There are 300 acres in the City limits zoned for industry. This is available in parcels ranging in size from 1/2 to 27 acres. Included in this acreage total are 3 industrial parks. Typical sale prices range from \$45,000 to \$120,000 per acre for privately owned areas with most amenities. City-owned land is no longer available. The terrain is flat. Drainage is good. Subsoil is sandy and piling is not required for soil bearing of 2,000 lbs. per sq. ft. or less. Water main sizes range from 8 to 12 inches. Sewer line sizes are 8 to 12 inches. Description of sites on or off rail lines, zoned for industry, outside City limits in other tracts or districts: Parcels totaling 75-80 acres along the Union Pacific Southern Pacific main line north of town are zoned I-P (Industrial Park). Site data compiled in cooperation with: Indio Chamber of Commerce, City of Indio Planning and Development Department and HMS Realty Co.

Public Service

WATER: City of Indio.

Maximum pumping capacity: 24.4 million gal/day. Average consumption: 13 mg/d. Cost per 100 cu. ft. per mo.: \$.52. Cost per 100 cu. ft. above 10,000 cu. ft. per mo.: \$.52. Water connection charges? Yes, plus cost of extending mains if required.

SEWER: Valley Sanitary District.

Capacity of sewer plant: 7.5 million gal/day. Peak flow: 6.5 million gal/day. Sewer service charge? Yes. Type of treatment plant: Activated sludge and oxidation pond. Any facilities for non-recoverable industrial waste water? No. Sewer connection charges: \$1,720 per unit.

Infrastructure

Master plan of storm drains adopted? Yes. Charges assessed on following basis: \$500 per gross acre or portion thereof.

Dedication requirements: Street plus sidewalk and other public usage. Improvement requirements: Curb, gutter, lights and sidewalks where applicable.

Utilities

GAS: Southern California Gas Co.

For residential and business rates applicable to Indio, contact the Southern California Gas Co. at (800) 427-2200.

ELECTRIC: Imperial Irrigation District.

For residential and business rates applicable to Indio, contact the Imperial Irrigation District at (760) 398-5811.

TELEPHONE: GTE Incorporated.

For rates and types of service available in Indio, contact GTE Incorporated at (800) 483-4000 for residential or (800) 483-5000 for business.

Governmental Facilities - Tax and Insurance Rates

- Indio has the council-manager form of government.
Assessed valuation minus exemptions (1995-96): \$1,258,437,740; County: \$70.8 billion. Ratio of assessed value to appraised value: 100% of full cash value.
- Industrial property tax rates (1995-96) per \$100 assessed valuation. Code area: 07-002. City rate: \$.00000; County: \$1.00000; School: \$.09750; Other: \$.02080; Total: \$1.11830.
- Commercial property tax rates (1995-96) per \$100 assessed valuation. Code area 07-002. City: \$.00000; County: \$1.00000; School: \$.09750; Other: \$.02080; Total: \$1.11830.
- Retail Sales Tax: State 6.0%, County/City 1.0%, Riverside County Transportation Commission 0.5%, County Transportation 0.25%, Total 7.75%.
- Police Department: 71 full-time personnel with 49 sworn officers. The fleet includes 17 marked and 11 unmarked patrol cars.
- Fire Department: Contracts with the Riverside County Fire Department.
- Fire Insurance Classification: Source of Rating: Robinson's Rating Service. City rating: 4.

The Indio Labor Market Area

Characteristics of the Labor Force

Manufacturing Employment

Non-Manufacturing Employment

Area consists of the Coachella Valley (the Cathedral City-Palm Desert, Palm Springs, Desert Hot Springs and Coachella Valley Census County Divisions).

Area population: 230,865		Total employment: 99,313	
Agriculture, Forestry	9,909	Wholesale Trade	2,677
Mining	108	Retail Trade	19,275
Construction	10,140	Fin., Ins., Real Estate	7,328
Manufacturing	4,657	Services	37,382
Transp/Comm/Utilities	5,321	Government	2,516

Source: U.S. Census, 1990.

Extent of Unionization: Construction workers are unionized as are retail clerks in major supermarkets. Date and citrus packing house and restaurant workers are partially unionized. Agricultural workers are about 30% unionized.

OTHER: Seasonal fluctuation in agriculture and related industries affect employment opportunities. Farmworkers are needed in varying numbers between September and June. Farmworkers are primarily migratory. Qualified office workers, automobile, truck and farm equipment mechanics are always in demand.

Indio is located on Interstate Highway 10, motels and restaurants are active on a year-round basis. Business activity, however, peaks during the winter tourist season from October to May. A growing retail and service industry is developing. It provides increase job opportunities for clerical, sales and service workers, especially during the tourist season. Residential building is on the upswing to accommodate an influx of year-round population.

Wage rates, extent of unionization, fringe benefits, and related information for specific industries and job classifications may be obtained from the State Employment Development Department, Labor Market Information Division, c/o Riverside PIC, 1151 Spruce Street, Riverside, California 92507, (909) 275-3204, or at P.O. Box 826880, 800 Capitol Mall, Sacramento, California 94280-0001, (916) 262-2162.

There are 13 manufacturing plants in the community area. Leading group classes of products are: food preserving, printing, and ready-mix concrete.

Name of Company	Employment	Products
Golden Acre Farms	203	Farming
Burn's Brothers	102	Transportation
DiMare Company	100	Farm produce
Granite Construction	100	Concrete
James E. Simon Company	60	Construction contractor
Menage Inc.	50	Manufacturing
Meredith & Simpson Const. Co.	50	Construction
Taymar Industries	50	Manufacturing

Facilities include 1 machine shop and 4 public warehouses. Major raw material resources include: sand and gravel.

Name of Employer	Employment	Description
Coachella Valley Unif. School Dist.	1,500	Public school system
Desert Sands Unif. School Dist.	1,385	Public school system
County of Riverside	900	County government
J.F. Kennedy Hospital	509	Hospital
Fantasy Springs Casino	505	Casino
Coachella Valley Water Dist.	366	Public water agency
Spotlight 29 casino	300	Casino
City of Indio	200	Public administration

Community Facilities

HEALTH: Indio has 1 general hospital, with 130 beds, a 24-hour emergency care facility, and a base for paramedic service. Seventy-three physicians/surgeons, 19 dentists, 9 optometrists, and 12 chiropractors practice in Indio.

EDUCATION: The Desert Sands Unified School District has 12 elementary schools, 5 middle schools, 3 high schools, and 1 continuation high school. College of the Desert, a two-year college, is located in nearby Palm Desert, and offers classes in Indio through an extension center; Chapman College, National University, California State University, San Bernardino, and University of Redlands offer programs in Palm Desert/Palm Springs leading to bachelor's and graduate degrees.

CULTURAL: The community has 2 direct TV channels, and 2 cable TV systems (in Palm Springs and Palm Desert). Indio has 40 churches, 1 library, 1 daily newspaper, 1 weekly newspaper, 6 banks, 2 savings and loans, 7 parks, 1 sports complex, 1 theater, and 1 live performing arts center. Neighboring Coachella has 11 churches, 1 library, 1 weekly newspaper, 2 banks, 1 boxing club, 1 Cable TV system, 1 radio station, 1 community center, and 5 parks. Other regional recreational facilities include: over 90 public and private golf courses, 200-acre Lake Cahuilla Park (County); and Salton Sea for boating, water skiing, fishing.

The average apartment rental price is \$483 per month.

The median price for existing single-family detached housing is \$98,000.

There are 26 hotel/motels, with approximately 1,180 rooms, in Indio.

There are 24 mobile home parks, with 1,599 spaces, in the cities of Coachella and Indio and surrounding unincorporated areas.

Indio is strategically located in the Coachella Valley as a service and retail center for a strong agri-business and rapidly expanding resort and recreational economy. A major interstate highway (I-10) and railroad (Union Pacific Southern Pacific) offer excellent transportation service for an emerging industrial sector, all of which provide a healthy economy attractive for investment.

Remarks

For further information contact the Riverside County Economic Development Agency, 3525 14th Street, P. O. Box 1180, Riverside, CA 92502, (909) 275-8916 or (800) 984-1000, or the Indio Chamber of Commerce, 82-503 Highway 111, P.O. Drawer TTT, Indio, CA 92202.